

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
ANGELINE HERRERA, :  
:  
Plaintiff, : 23-CV-677 (VSB)  
-against- :  
:  
RICARDO TORRES and MARIO BAUTISTA, :  
:  
Defendants. :  
:  
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**ORDER**

VERNON S. BRODERICK, United States District Judge:

Plaintiff Angeline Herrera (“Plaintiff”) filed this action on January 26, 2023, (Doc. 1), and filed an affidavit of service as to Defendant Mario Bautista (“Defendant”) on October 20, 2023, (Doc. 11).<sup>1</sup> The deadline for Defendant to respond to Plaintiff’s complaint was November 3, 2023. To date, Defendant has not appeared or responded to the complaint. Plaintiff, however, has taken no action to prosecute this case. Accordingly, if Plaintiff intends to seek a default judgment, she is directed to do so in accordance with Rule 4(H) of my Individual Rules and Practices in Civil Cases by no later than December 28, 2023. If Plaintiff fails to do so or otherwise demonstrate that she intends to prosecute this litigation, I may dismiss this case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

SO ORDERED.

Dated: December 15, 2023  
New York, New York



VERNON S. BRODERICK  
United States District Judge

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<sup>1</sup> The case had been dismissed without prejudice pursuant to Rule 4(m) on May 11, 2023, (Doc. 6), but Plaintiff’s motion for reconsideration was granted on July 20, 2023, (Doc. 9).